

**BEFORE THE BOARD OF DENTAL EXAMINERS  
OF THE STATE OF IOWA**

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**IN THE MATTER OF:**

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**LINDSAY M. BROWN, D.D.S.  
955 31<sup>st</sup> Street  
Marion, IA 52302**

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**NOTICE OF HEARING**

**License #6663**

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**Respondent**

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You are hereby notified that on January 24, 2003, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

**IT IS HEREBY ORDERED** that a disciplinary contested case hearing be held upon the Statement of Charges on April 16, 2003, before the full Board or a panel of the Board. The hearing shall begin at 9:00 a.m. and shall be located in the Conference Room, Iowa Board of Dental Examiners at 400 SW 8<sup>th</sup> Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge

make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.

The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

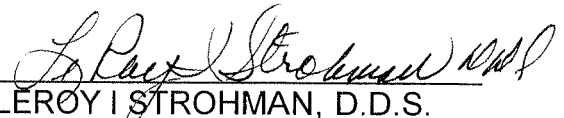
Theresa O'Connell Weeg  
Assistant Attorney General  
Iowa Attorney General's Office  
2<sup>nd</sup> Floor, Hoover State Office Building  
Des Moines, IA 50319  
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code

51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 24<sup>th</sup> day of January, 2003.

  
LERØY I STROHMAN, D.D.S.  
Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319

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<b>IN THE MATTER OF:</b>	)	
<b>LINDSAY M. BROWN, D.D.S.</b>	)	
<b>955 31<sup>st</sup> Street</b>	)	
<b>Marion, IA 52302</b>	)	<b>STATEMENT OF CHARGES</b>
<b>License #6663</b>	)	
<b>Respondent</b>	)	

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- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On July 1, 1981, Lindsay M. Brown, D.D.S., the Respondent, was issued license number 6663 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number 6663 is current and on active status until June 30, 2004.
- 4) The Respondent's dental license is currently under probation with the Board as he entered into a Stipulation and Consent Order with the Board on October 15, 1993.

**COUNT I**

The Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by failing to protect the health of patients by attempting to assign unlicensed auxiliary staff duties which cannot be legally delegated to them, which is in violation of 650 Iowa Administrative Code Section 27.5.

## **COUNT II**

The Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating a Board rule for failing to provide direct supervision to a dental assistant while performing an intra-oral procedure, which is in violation of 650 Iowa Administrative Code Section 20.4 (2).


## **COUNT III**

The Respondent is charged under Iowa Code Section 153.32 (2001) with unprofessional conduct in the practice of dentistry by attempting to assign unlicensed auxiliary staff duties which cannot be legally delegated to them, which is in violation of 650 Iowa Administrative Code Section 27.5.

## **THE CIRCUMSTANCES**

1. Iowa law requires that a person engaged in the practice of dental assisting to register with the Board pursuant to Iowa Code Section 153.39(1), and 650 Iowa Administrative Code Section 20.1.
2. Respondent attempted to assign dental assisting duties to an unregistered auxiliary staff person.
3. Board rules require registered dental assistants to be under the direct supervision of a dentist when performing intra-oral procedures.
4. Respondent allowed a registered dental assistant to perform an intra-oral procedure on a patient while the Respondent was out of the office.

On this 24<sup>th</sup> day of January, 2003, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.

  
LeRoy I. Strohman, D.D.S., Chairperson  
Iowa Board of Dental Examiners  
400 SW 8<sup>th</sup> Street, Ste. D  
Des Moines, IA 50309

cc: Theresa O'Connell Weeg  
Assistant Attorney General  
Office of the Attorney General  
Hoover State Office Building  
Des Moines, IA 50319